

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, JANUARY 22, 2002
AT 9:00 A. M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 10:11 a.m. Mayor Murphy recessed the meeting at 11:00 a.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 11:15 a.m. with all Council Members present. Mayor Murphy recessed the meeting at 12:01 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor Murphy at 2:06 p.m. Mayor Murphy recessed the meeting at 3:36 p.m. for purposes of a break. Mayor Murphy reconvened the meeting at 3:47 p.m. with all Council Members present. Mayor Murphy recessed the meeting at 4:09 p.m. to convene the Redevelopment Agency. Mayor Murphy reconvened the meeting at 4:13 p.m. with all Council Members present. Mayor Murphy adjourned the meeting at 4:35 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present
- Clerk-Abdelnour (pr/er)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

ITEM-10: INVOCATION

Invocation was given by Pastor Doug Knudson-Keller of the College Lutheran Church.

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Atkins.

ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS: APPROVED

Approval of Council Minutes for the meetings of:

- 12/10/2001
- 12/11/2001
- 12/14/2001 Special Meeting
- 12/17/2001 Adjourned

12/18/2001 Adjourned
12/24/2001 Adjourned
12/25/2001 Adjourned
12/31/2001 Adjourned
01/01/2002 Adjourned

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A033-034.)

MOTION BY WEAR TO APPROVE. Second by Atkins. Passed by the following vote:
Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea,
Inzunza-yea, Mayor Murphy-yea.

ITEM-31: High Tech High.

(District-2.)

COUNCILMEMBER WEAR'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-666) ADOPTED AS RESOLUTION R-295962

Recognizing and congratulation the High Tech High in honor of their remarkable
first year.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A035-105.)

MOTION BY WEAR TO ADOPT. Second by Stevens. Passed by the following vote:
Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea,
Inzunza-yea, Mayor Murphy-yea.

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Comment by Don Stillwell regarding funding, the Ballpark, and the
Redevelopment Agency.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A183-215.)

PUBLIC COMMENT-2:

Comment by Beverly Walker regarding ADA issues and the Ballpark.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A216-270.)

PUBLIC COMMENT-3: **REFERRED TO THE CITY MANAGER**

Comment by Noel Neudeck regarding public officials, ADA issues, and the
downtown Ballpark.

The City Manager stated that he would write to the Mayor and the City Council a
follow-up memorandum to the six page letter submitted by Noel Neudeck, as well
as address the status of Beverly Walker's ADA issues.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A280-346; 347-365.)

PUBLIC COMMENT-4: REFERRED TO THE CITY MANAGER

Comment by Eric Bowlby regarding sewer manhole covers and the work that has been done by the Sierra Club on the canyon preservation campaign.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A371-417.)

PUBLIC COMMENT-5: REFERRED TO THE CITY ATTORNEY

Comment by Dan Tomsy regarding being with the San Diego Coalition responsible for outdoor advertising, and the City's Ordinance restricting alcohol advertisements.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A432-445.)

PUBLIC COMMENT-6: REFERRED TO THE CITY ATTORNEY

Comment by Suzie Shimaski regarding being frustrated with growing up in San Diego surrounded by alcohol billboard advertisements.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A445-471.)

PUBLIC COMMENT-7: REFERRED TO THE CITY ATTORNEY

Comment by Karen Loraig regarding the tragedies of underage drinking, and that she felt in reality billboards and ads shape the community we live in. Ms. Loraig stated the San Diego Youth Council is thankful for the perseverance that has been shown in the battle for the safety and well being of San Diego youth.

City Attorney Gwinn stated that the Mayor and Council joins him in the appreciation for all the Coalition's advocacy in this matter. City Attorney Gwinn stated that there is a legal fight that they are very much committed to, and very much in the middle of right now. City Attorney Gwinn noted that the City Attorney's Office is criminally prosecuting a number of companies for a variety of billboards, and the Federal Magistrate in attempting to have the criminal case stayed while the constitutional issues are litigated in Federal Court.

Council Member Wear asked for, and City Attorney Gwinn agreed to provide for Council a written status report on this issue in approximately two weeks regarding how the Federal Courts and the State Courts are going to deal with the billboard issues that the City is litigating.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A472-500; A501-541; A546-581.)

PUBLIC COMMENT-8:

Comment by Mel Shapiro regarding speaking for the San Diego Alliance about campaign reform, and that their Website is www.cleanelectionsandiego.org.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A582-B007.)

PUBLIC COMMENT-9:

Comment by Steve McWilliams regarding medical marijuana and a song by Bob Dylan.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B009-040.)

COUNCIL COMMENT:

ITEM-CC-1:

Comment by Council Member Atkins regarding that today is the 29th anniversary of the 1973 landmark Supreme Court decision allowing every woman in the United States the right to an abortion if she so chooses. Council Member Atkins stated that for women in the 70's and 80's these issues were really considered Civil Rights issues for women, and that it must be kept at the forefront so that all women regardless of race or economic status have access to all reproductive health options.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B046-053.)

ITEM-CC-2:

Comment by Council Member Maienschein being asked to participate in a basketball tournament to raise money for the Scripps Ranch High School boys and girls basketball teams. Council Member Maienschein stated it was for a good cause and that he wished to recognize the Scripps Ranch Old Pros who were very good sports and put together the team. Also, Council Member Maienschein wished to recognize Assistant City Attorney Leslie Devaney who helped to organize the fund raiser.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B056-073.)

ITEM-CC-3:

Comment by Council Member Frye regarding scheduling a Press Conference with her office and with the City Attorney's Office regarding illegal dumping on Fiesta Island and the problems it causes. Last year it was estimated that there were about 1,100 tons of illegally dumped trash that was cleaned up around Mission Bay costing tax payers about \$40,000.

City Attorney Gwinn stated that it is rare when you hold a Press Conference that you actually have a criminal show up to prove your point, and that actually happened as Council Member Frye and City Attorney Gwinn were preparing for their Press Conference. City Attorney Gwinn stated that Council Member Frye jumped in his car with him and they raced away from the conference finding the individual illegally dumping a truck full of construction materials. T. V. cameras arrived at the scene and City Attorney Gwinn placed the individual under citizens arrest, and the individual was cited as well. City Attorney Gwinn stated these were hazardous materials causing environmental damages.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B074-094; B100-126.)

ITEM-CC-4:

Comment by Council Member Peters regarding that he enjoyed the walk in Penasquitos Canyon with his eight year old son and Mr. Bowlby. Council Member Peters stated it was a beautiful day, and that they did see a lot of invasive species that were going to take a lot of work to get rid of. Council Member Peters commended the Sierra Club's canyon efforts, and hoped that people will support that.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B127-139.)

CITY MANAGER COMMENT:

None.

* ITEM-100: Two actions related to Inviting Bids for the Construction of Water Group 501.

(See Frank Belock Jr.'s 9/26/2001 memo. Pacific Beach Community Area. District-2.)

TODAY'S ACTIONS ARE:

Adoption of the following resolutions:

Subitem-A: (R-2002-835) ADOPTED AS RESOLUTION R-295963

Certifying that Mitigated Negative Declaration LDR-98-0928 has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and the State guidelines; and that the declaration reflects the independent judgement of the City of San Diego as Lead Agency; and that the information contained in the report has been reviewed and considered by Council in connection with the approval of construction of Water Group Job 501;

Approving Mitigated Negative Declaration LDR-98-0928;

Adopting the Mitigation Monitoring and Reporting Program;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors.

Subitem-B: (R-2002-834) ADOPTED AS RESOLUTION R-295964

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the construction of Water Group 501 on Work Order No. 181501;

Authorizing the City Manager to execute a contract with the lowest responsible bidder, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for the expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer;

Authorizing the use of City Forces for making temporary cuts and plugs, making live connections of the water main, and installing valves and crosses in an amount not to exceed \$494,429 from Water Fund 41500, CIP-73-083.0;

Authorizing the expenditure of not to exceed \$2,689,104 from Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement, provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K02061C)

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 10/3/2001, NR&C voted 5-0 to approve with direction to include information on "best management practices" utilized on the project. (Councilmembers Peters, Wear, Frye, Madaffer, and Inzunza voted yea.)

CITY MANAGER SUPPORTING INFORMATION:

Water Group 501 is part of a program established by the City of San Diego mandating the replacement of all cast iron water mains currently in service. The existing mains were constructed as early as 1920 and are approaching the end of their useful life. Replacement of these deteriorated and under-sized mains will continue to provide the community with a safe and reliable infrastructure. This project is within the Pacific Beach community area and involves the replacement of approximately 12,000 linear feet of water main. Portions of the traffic control plans will be included with the project plans; however, some will be submitted by the Contractor as shop drawings.

FISCAL IMPACT:

The total estimated cost of this project is \$2,689,104. Funds of \$2,689,104 are available in Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement. Included in the total estimate is \$494,429 for City Forces to make temporary cut and plug, make live connections to water mains, install crosses, tees, and valves, and perform operational checks. Please note that this project will be Phase Funded.

Loveland/Belock/HR

WWF-02-553.

FILE LOCATION: SUBITEMS A & B: W. O. 181501

COUNCIL ACTION: (Tape location: B152-198.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-101: General Utility Easement Abandonment.

(Linda Vista Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-890) ADOPTED AS RESOLUTION R-295965

Vacating the general utility easement in Lots 2, 3 and 4 in Block 34 of Map 3253, as more particularly described in the legal description marked as Exhibit "A" and as shown on Drawing No. 19556-B marked as Exhibit "B".

CITY MANAGER SUPPORTING INFORMATION:

City Council action is requested to abandon a general utility easement in lots 2, 3 and 4 in Block 34 of Map No. 3253. This property is located in the Linda Vista Planning area within Council District 6. This easement is on private property and the only purpose for this public service easement is to allow the City and franchise utilities to construct and maintain facilities within the easement. There are no existing or planned utility and improvements within the easement area. No rights are granted to the public by the easement and the abandonment of this easement will relieve the City of the responsibility to maintain the easement area. The applicant has submitted a grading and building permit for the property, and the new design of the building makes this easement unnecessary. This easement was acquired at no cost to the City. City staff recommends approval of the easement abandonment.

Loveland/Haase/AEA

FILE LOCATION: DEED F-9142

COUNCIL ACTION: (Tape location: B152-198.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-102: Library Projects for Proposition 14 Grant Application.

(See City Manager Report CMR-01-275; Deputy Mayor Stevens' 12/12/2001 memo; John McAllister's 12/12/2001 letter; Ernestine Bonn's 12/12/2001 letter. Centre City (East Village), Southeastern San Diego, and San Ysidro Community Areas. Districts-2 and 8.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2002-879) ADOPTED AS RESOLUTION R-295984

Approving the new Main Library, Logan Heights Branch Library and San Ysidro Branch Library projects submitted under the first round of State Proposition 14 grant applications.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 12/12/2001, NR&C voted 5-0 (Councilmembers Peters, Wear, Frye, Madaffer and Inzunza voted yea) to submit the following three libraries for the first round of funding under the Proposition 14 State Bond Act:

- A. Main Library
- B. Logan Heights
- C. San Ysidro

Recommend the following libraries for the second and third rounds of funding under the State Bond Act with direction that the second and third rounds come back to the Natural Resources and Culture Committee for final review and recommendation prior to submission:

Round Two: A. Balboa
B. Ocean Beach
C. North Park

Round Three: A. Skyline
B. Mission Hills
C. San Carlos

CITY MANAGER SUPPORTING INFORMATION:

At the December 12, 2001, Natural Resources and Culture Committee meeting, the new Main Library and eight branch library projects were considered for funding submission under the Proposition 14 State Bond Act. The new Main Library, Logan Heights Branch Library, and San Ysidro Branch Library were the three projects the NR&C Committee voted to recommend for the first round of applications due in June, 2002.

For additional information about Proposition 14 and the library projects that were considered for funding, reference City Manager Report CMR-01-275.

FISCAL IMPACT:

There will be some costs associated with the preparation of the grant applications; however, funds will be available in project or department budgets. No new money will be requested.

Herring/Tatar/CY

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F418-G056.)

MOTION BY PETERS TO ADOPT WITH DIRECTION THAT PHASES TWO AND THREE COME BACK TO COUNCIL FOR FINAL DECISION. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-103: Two actions related to Carmel Valley - FY 2002 Public Facilities Financing Plan and Facilities Benefit Assessment (FBA).

(See City Manager Report CMR-02-010; Public Facilities Financing Plan and FBA, Fiscal Year 2002", December 2001 Draft. Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-919) ADOPTED AS RESOLUTION R-295966

Approving the document entitled "Carmel Valley Public Facilities Financing Plan and Facilities Benefit Assessment, FY 2002, December 2001".

Subitem-B: (R-2002-920) ADOPTED AS RESOLUTION R-295967

Resolution of Intention to designate an area of benefit in Carmel Valley and setting the time and place for holding a public hearing thereon.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 6/13/2001, LU&H voted 5-0 to approve the City Manager's recommendation. (Councilmembers Peters, Wear, Atkins, Stevens and Maienschein voted yea.)

FILE LOCATION: SUBITEMS A & B: STRT-FB-8-02 (33)

COUNCIL ACTION: (Tape location: B152-198.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-104: Engineering Services for La Jolla/Pacific Beach Trunk Sewer - Chelsea Street Relocation.

(See Frank Belock Jr.'s 12/5/2001 memo. La Jolla Community Area. District-1.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2002-635) ADOPTED AS RESOLUTION R-295968

Authorizing the City Manager to execute a first amendment to the Agreement between the City and Berryman & Henigar for consulting services for the La Jolla/Pacific Beach Trunk Sewer;

Authorizing the expenditure of an amount not to exceed \$36,441 from Sewer Fund 41506, CIP-46-194.0, Annual Allocation - Trunk Sewer Rehabilitation.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 12/12/2001, NR&C voted 5-0 to approve. (Councilmembers Peters, Wear, Frye, Madaffer and Inzunza voted yea.)

CITY MANAGER SUPPORTING INFORMATION:

Council authorized an agreement with Berryman & Henigar on September 27, 1999, Document No. R-292209, to provide engineering services for the design of La Jolla/Pacific Beach Trunk Sewer - Chelsea Street Relocation. The project will realign approximately 2,203 feet of existing 21-inch trunk sewer, construct approximately 28 feet of 12-inch sewer main, construct approximately 5,062 feet of the 8-inch sewer main, and replumb approximately 65 laterals to eliminate the existing odor and capacity problems.

During the design process of this project, Berryman & Henigar determined that the construction support services will increase from increased trenchless construction complexity due to the existing subsurface conditions which were investigated (cobble). This amendment will accommodate the costs of providing the additional scope of work.

FISCAL IMPACT:

The total cost of this agreement is \$594,699. Of this amount, \$558,258 was previously authorized by Council Resolution R-292209. The estimated cost for the First Amendment is \$36,441. Funding for this additional request will come from Sewer Fund 41506, CIP-46-194.0, Annual Allocation - Trunk Sewer Rehabilitation. The estimated total cost for this project is \$9,712,012.

Loveland/Belock/HR

Aud. Cert. 2200485.

WWF-02-544.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B152-198.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-105: 3rd Amendment to the Agreement with Kennedy/Jenks Consultants: Paradise Mesa Standpipe.

(See Larry Gardner's 12/06/2001 memo. North Bay Terraces Community Area. District-4.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2002-886) ADOPTED AS RESOLUTION R-295969

Authorizing the City Manager to execute the Third Amendment to the Agreement with Kennedy/Jenks Consultants in an amount not to exceed \$191,141;

Authorizing the expenditure of an amount not to exceed \$410,910 from Water Revenue Fund 41500, CIP-73-277.0, Annual Allocation - Standpipe and Reservoir Restorations, for the amendment, in-house engineering, as needed tasks and constructability review costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that funds are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 12/12/2001, NR&C voted 5-0 to approve. (Councilmembers Peters, Wear, Frye, Madaffer and Inzunza voted yea.)

CITY MANAGER SUPPORTING INFORMATION:

The Paradise Mesa Standpipe is a steel water tank located off Statton Court in Bay Terraces. Constructed in 1979, it is the tallest treated-water storage tank in the City with a capacity of 2.5 million gallons. During the times of high demands, including fires, it provides a local ready source of additional water to supply the demand. Current seismic standards require that the standpipe be modified to reduce the chance of failure in an earthquake. Interior and exterior coatings are deteriorated and need replacement. Due to its age, other repairs and modifications were determined to be necessary for the successful and efficient operation of this facility.

In February 1999, The Water Department entered into a contract with Kennedy/Jenks Consultants, in the amount of \$212,253, for engineering services for the rehabilitation of this tank. The first amendment to this agreement was approved in June 2000 for \$82,139 to provide additional required engineering services related to enhancing worker safety and water quality monitoring. This project was advertised as a rehabilitation project and the bids were opened on July 2000. The lowest responsible bid amount was 56% higher than the City's estimate. The Water Department rejected all the bids due to the high cost and bid protests by two contractors.

In January 2001, the second amendment to the Agreement with Kennedy/Jenks Consultants was approved to change the scope of their engineering services for the Paradise Mesa Standpipe Replacement to the Design-Build Project at no additional cost. The City received only one Design-Build proposal, which was higher than the project estimate by \$1 million. After several attempts to negotiate a reasonable price, the proposal was rejected.

In light of this, the Water Department proposes to proceed with a traditional Design-Bid-Build Contract for the construction of a new replacement stand pipe. Building a new standpipe with competitive bidding will allow for competition necessary to construct the facility at a reasonable cost. The third amendment to Kennedy/Jenks Consultants for an amount of \$191,141 (of which \$31,538 is from the previous agreement) will allow the Water Department to complete the design. The remaining funds are budgeted to cover all other charges such as in-house engineering, as-needed environmental tasks and constructability reviews.

Construction on the project is expected to start in spring of 2003. Subcontractors on the project are: Simon Wong Engineers (MBE), Garbini & Garbini (WBE), Kanrad Engineering (MBE) and Dec Consultants (N/A) for a total of 64%, of which 60% are certified firms.

FISCAL IMPACT:

Funding in the amount of \$410,910 is available in the Water Fund 41500, CIP-73-277.0, Annual Allocation - Standpipe and Reservoir Restorations.

Mendes/Gardner/MML

Aud. Cert. 2200670.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B152-198.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-106: Water Resources Planning Services, Second Amendment - Powell/PBS&J.

(See Larry Gardner's 12/6/2001 memo. Otay Mesa Community Area. District-8)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2002-865) ADOPTED AS RESOLUTION R-295970

Authorizing the City Manager to execute the Second Amendment to Water Resources Planning Services Agreement with Powell/PBS&J;

Authorizing the expenditure of an amount not to exceed \$372,162 from Water Fund 41500, CIP-73-250.0, Mass Grading and Clearwell Storage, provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for such expenditure are deposited with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 12/12/2001, NR&C voted 5-0 to approve. (Councilmembers Peters, Wear, Frye, Madaffer, and Inzunza voted yea.)

CITY MANAGER SUPPORTING INFORMATION:

The Otay WTP Mass Grading and Clearwell Storage project is required to comply with State and Federal water quality regulations and the City of San Diego's Compliance Order Number 04-14-96-022 (Compliance items 6b and 6c) from the California Department of Health Services. This project will construct two 6.9 million gallon treated water storage reservoirs, or clearwells. Construction is scheduled to begin in late 2002 and be completed by early 2004.

The City entered into the Water Resources Planning Agreement with Powell/PBS&J (R-292349) on October 25, 1999 to provide Otay Water Treatment Plant (WTP) and Water Resources Planning Studies. The First Amendment to this Agreement (R-293712) was approved on August 15, 2000 and included the preparation of the construction plans and specifications for the Otay WTP Mass Grading and Clearwell Storage project and supplementary Otay WTP and Beneficial Water Reuse Planning Studies.

During the course of performing the work, the Water Department determined that additional engineering services during construction, start-up and closeout of the Mass Grading and Clearwell Storage project were required under the agreement's Task Order number nine. Engineering services during construction include participating in construction progress meetings, responding to requests for information, reviewing shop drawings and submittals, providing

engineering support for planned treatment plant shutdowns, providing field evaluation of construction work, witnessing field testing of equipment and Clearwell systems, and conducting final site inspections to prepare contractor punchlists. The Second Amendment to Powell/PBS&J's agreement, for an amount not to exceed \$372,162, will provide the additional engineering support services required.

FISCAL IMPACT:

Funding for the Second Amendment in the amount of \$372,162 is available from Water Fund 41500, CIP-73-250.0, Mass Grading and Clearwell Storage.

Mendes/Gardner/NMK

Aud. Cert. 2200659.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B152-198.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-107: Wall of Excellence - Contract Change Order No. 1.

(District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-916) ADOPTED AS RESOLUTION R-295971

Approving Change Order No. 1 to the contract with Swanson Products, Inc. for the construction of the Wall of Excellence, and increasing the contract price by \$46,000;

Authorizing the City Auditor and Comptroller to reprogram an amount not to exceed \$25,000 from Capital Outlay Fund 30245, CIP-58-007.0, Overhead/Other City Costs for Streets Projects, to CIP-39-230.0, Wall of Excellence;

Authorizing the City Auditor and Comptroller to reprogram an amount not to exceed \$11,700 from TransNet Fund 30300, CIP-52-654.0, Lisbon Street-Imperial Avenue to 217 feet east of 71st Street, to CIP-39-230.0, Wall of Excellence;

Authorizing the expenditure of an amount not to exceed \$61,700, of which \$25,000 is from Capital Outlay Fund 30245, \$25,000 is from Infrastructure Improvement Fund 10529, and \$11,700 is from TransNet Fund 30300, CIP-39-230.0, Wall of Excellence;

Authorizing the City Auditor and Comptroller to increase CIP-39-230.0, Wall of Excellence, by \$11,700 in TransNet Fund 30300 and \$25,000 in Capital Outlay Fund 30245.

CITY MANAGER SUPPORTING INFORMATION:

On September 12, 2000, Swanson Products Inc. was awarded a contract to construct the Wall of Excellence. During construction the following issues arose that resulted in a contractor's claim to the City of San Diego, including bid quantities and scope of work. Subsequently, the City of San Diego and the contractor resolved these matters through the mediation process as stipulated in the specifications for the project. Change Order No. 1 is the result of the mediation between the City of San Diego and Swanson Products, Inc.

FISCAL IMPACT:

This action will increase the construction contract by \$46,000. An additional \$15,700 is required for the purchase of graphic panels and installation of a water service by City Forces. Funds are available in CIP-39-230.0, Wall of Excellence. In addition, the following funds have been identified through Engineering and Capital Project's cash management process: \$25,000 from Capital Outlay Fund 30245, CIP-58-007.0, Overhead/Other City Costs for Street Projects, and \$11,700 from TransNet Fund 30300, CIP-52-654.0, Lisbon Street - Imperial Avenue to 217 feet east of 71st Street.

Loveland/Belock/PB

Aud. Cert. 2200694.

FILE LOCATION: CONT-Swanson Products, Inc.

COUNCIL ACTION: (Tape location: B152-198.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-108: Declaring a Continued State of Emergency Due to Economic Circumstances in the San Diego-Tijuana Border Region.

(District-8.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2002-891) ADOPTED AS RESOLUTION R-295972

Declaring a Continued State of Emergency Due to Economic Circumstances in the San Diego-Tijuana Border Region.

FILE LOCATION: GEN'L-State of Emergency Due to Economic
Circumstances in the San Diego-Tijuana Border Region

COUNCIL ACTION: (Tape location: B152-198.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-109: Declaring a Continued Local Health Emergency due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV).

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2002-885) ADOPTED AS RESOLUTION R-295973

Declaring a Continued Local Health Emergency due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV).

FILE LOCATION: GEN'L-Local Health Emergency due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV)

COUNCIL ACTION: (Tape location: B152-198.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-nay, Maienschein-nay, Frye-yea, Madaffer-nay, Inzunza-yea, Mayor Murphy-nay.

ITEM-150: San Diego's "6 to 6" Annual Report.

(See City Manager Report CMR-01-268 Rev., and "6 to 6" Extended School Day Program.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2002-898 Cor. Copy) ADOPTED AS RESOLUTION R-295974

Approving the San Diego's "6 to 6" Annual Report;

Authorizing the City Manager to establish a San Diego's "6 to 6" Trust Fund;

Authorizing the City Manager to accept, and the Auditor and Comptroller to appropriate and expend, grant funds from the Federal Department of Education in FY2002 - FY2004 in an amount not to exceed \$950,000 per fiscal year, provided that Auditor's Certificates are issued demonstrating that funds for such obligations are, or will be, deposited in the City Treasury;

Authorizing the City Manager to negotiate and enter into agreements with contractors to expand "6 to 6" programs at ten selected sites, for an amount not to exceed \$825,000 annually.

**PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S
RECOMMENDATION:**

On 12/5/2001, PS&NS voted 4-0 (Councilmembers Atkins, Maienschein, Frye and Inzunza voted yea. Councilmember Stevens not present) to approve the "6 to 6" Program Annual Report; to approve the City Manager's recommendation to create a "6 to 6" Trust Fund; to accept the Child Care Coordination Annual Report; and to accept the Child Care Coordination 5-Year Report.

CITY MANAGER SUPPORTING INFORMATION:

San Diego's "6 to 6" Extended School Day Program, initiated in 1998, has submitted its third annual report for Council approval. This document outlines the program's remarkable growth and highlights the continued need for additional resources to serve the over 20,000 students still on the waiting list to receive services.

On December 11, 2001, the San Diego City School Board voted to approve a Memorandum of Understanding with the City of San Diego to pass through \$905,000 in federal "21st Century Community Learning Centers" program funds to the City to expand enrollment at ten selected sites in the HUD designated "Enterprise Community." This Council action would authorize the City Manager to accept and expend the funds via sub-contract with existing provider agencies currently operating "6 to 6" programs at these ten sites.

Staff have also developed a strategic plan for soliciting private donations and corporate sponsorships, in consultation with Pathfinders Group. This Council action would authorize the City Manager to establish a San Diego's "6 to 6" Trust Fund, which is identified as a component of the strategic plan.

FISCAL IMPACT:

\$905,000 would be added to the "6 to 6" Federal 21st Century Community Learning Centers fund, raising the federal contribution to this program from \$750,000 annually to \$1,655,000 annually.

Herring/Cunningham/DF

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B212-531.)

MOTION BY ATKINS TO ADOPT. Second by Wear. Passed by the following vote:
Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea,
Inzunza-yea, Mayor Murphy-yea.

ITEM-151: Child Care Coordinator's Five Year Work Plan.

(See City Manager Report CMR-01-269 Rev. and Child Care Coordination.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2002-897) ADOPTED AS RESOLUTION R-295975

Approving the Child Care Coordinator's Five Year Work Plan as outlined in City
Manager Report CMR-01-269 Rev.;

Approving the Child Care Coordination Annual Report for 2001 as described in
the City Manager Report CMR-01-269 Rev.

**PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S
RECOMMENDATION:**

On 12/5/2001, PS&NS voted 4-0 to approve the "6 to 6" Program Annual Report; approve the City Manager's recommendation to create a "6 to 6" Trust Fund; accept the Child Care Coordination Annual Report; accept the Child Care Coordination 5-Year Report. (Councilmembers Atkins, Maienschein, Frye, and Inzunza voted yea. Councilmember Stevens not present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B212-531.)

MOTION BY ATKINS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-152: Three actions related to the Adoption of Canyon/Sewer Policies and Approval of Amendment No. 2 to the Agreement with Earth Tech, Inc. for the Engineering and Environmental Services for Sewer Canyon Access (Phase I).

(See City Manager Report CMR-01-255, NR&C Committee Actions for 7/18/2001, Implementation Strategy Status Update, and Program to Reduce Sewer Spills.)

TODAY'S ACTIONS ARE:

Adoption of the resolutions in Subitems A and B, and hold the first public hearing of the ordinance in Subitem C:

Subitem-A: (R-2002-692) ADOPTED AS RESOLUTION R-295976

Establishing Council Policy No. 400-13 regarding Management of Sewer Facilities Located in Canyons and Other Environmentally Sensitive Lands; and establishing Council Policy No. 400-14 regarding Redirection of Sewage Discharge Away from Canyons and Other Environmentally Sensitive Lands.

Subitem-B: (R-2002-693) ADOPTED AS RESOLUTION R-295977

Authorizing the City Manager to execute Amendment No. 2 to the Agreement for Engineering and Environmental Services for Sewer System Canyon Access (Phase I) with Earth Tech, Inc.;

Authorizing the expenditure of an amount not to exceed \$798,336 from Sewer Fund No. 41506, CIP-45-936.0, Sewer System Canyon Access.

Subitem-C: (O-2002-54) HEARING HELD, TO BE INTRODUCED AND
ADOPTED ON TUESDAY, FEBRUARY 5, 2002

First public hearing of an Ordinance amending Ordinance O-18964 "Adopting the Annual Budget for the Fiscal Year 2001-2002 and Appropriating the Necessary Money to Operate the City of San Diego for Said Fiscal Year," by increasing the Engineering and Capital Projects Department's budget by adding a position of Public Information Officer.

NOTE: Subitem C requires two public hearings pursuant to the City Charter. Today's action is the first public hearing of the ordinance. The second public hearing for the introduction and adoption of the ordinance will be on February 5, 2002.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 12/12/2001, NR&C voted 4-0 (Councilmembers Peters, Wear, Frye and Madaffer voted yea. Councilmember Inzunza not present) to accept the staff report, with direction that the phrase "feasibility and planning framework" be deleted from the first sentence of the "Purpose" section of proposed Council Policy 400-13, "Planning for Management of Sewer Facilities Located in Canyons and Other Environmentally Sensitive Lands." In addition, the words "policies and guidelines" be retained in the first sentence.

CITY MANAGER SUPPORTING INFORMATION:

On September 9, 1998, the City Manager authorized (Document No. C-08946) Engineering & Capital Projects Department to enter into an agreement with Earth Tech, Inc. to provide engineering services for the Sewer System Canyon Access Project - Phase I for a total cost of \$230,000. The purpose of this contract was to determine the feasibility of constructing access roads into 18 canyons that contained sewer facilities for maintenance and emergency access. The proposal to install wide, lengthy access roads in canyons met public opposition.

During a presentation to the Natural Resources and Culture Committee (NR&C), on May 26, 1999, the City Manager was directed to return with recommendations about alternative equipment for regular maintenance and emergency services, habitat restoration procedures, and barriers to deter illegal canyon access. During a presentation to the NR&C on February 9, 2000, the City Manager was directed to assist in the organization and facilitation of the City Wide Canyon Sewer Maintenance Task Force to assist the City in evaluating alternatives and developing policies for operating, maintaining, and accessing sewer facilities so that environmental health and public safety are protected and impacts to canyons are minimized. Also, during the same period of time the Metropolitan Wastewater Department added three additional canyon sewer systems to the project. As a result of NR&C directions and additional canyon sewer systems, additional funding was required and on February 22, 2000 the City Council authorized (Document No. RR-292787) the first amendment to this agreement, for a total cost of \$247,175.

On July 18, 2001 the Manager's Office presented the proposed policies developed by the City Wide Canyon Sewer Maintenance Task Force and City Staff. The NR&C approved the proposed policies with minor modifications. The next step to implement these policies is for them to be formally adopted by City Council. To assist in the execution of these policies it is necessary to amend phase one of Earth Tech's contract for the Sewer System Canyon Access Project, a second time. This second amendment, in the amount of \$798,336, is necessary so that the research of equipment and access path materials can be completed and specific routine maintenance and emergency access solutions for each of the 21 canyons can be developed.

Therefore, this request for Council action includes the approval of proposed policies and the approval of the second amendment to Earth Tech's agreement for the Sewer System Canyon Access Project. This request also includes the approval of the additional staff position of Public Information Officer to assist in Public Outreach associated with the implementation of the proposed policies and the Sewer Canyon Access Project.

FISCAL IMPACT:

The total project cost estimate for the Sewer Canyon Access Project is estimated to be \$26,534,100. The total funding to date for engineering services is \$477,175, which includes the original contract amount of \$230,000 authorized by City Manager Action in July 1998 and the first amendment to this contract in the amount of \$247,175 authorized by Council Action in February 2000. Funding of \$798,336 is needed to execute Amendment No. 2. Funding of \$798,336 is available from Sewer Fund 41506, CIP-45-936.0, Sewer System Canyon Access, for this purpose.

Loveland/Belock/HR

Aud. Cert. 2200511.

WWF-02-545.

FILE LOCATION: SUBITEMS A & B: MEET
SUBITEM C: NONE

COUNCIL ACTION: (Tape location: B543-C105.)

MOTION BY PETERS TO ADOPT. Second by Atkins. Passed by the following vote:
Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea,
Inzunza-yea, Mayor Murphy-yea.

ITEM-200: Declaring a Continued State of Emergency Regarding the Discharge of Raw
Sewage from Tijuana, Mexico.

(District-8.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2002-924) ADOPTED AS RESOLUTION R-295985

Declaring a Continued State of Emergency regarding the discharge of raw sewage
from Tijuana, Mexico.

FILE LOCATION: GEN'L-State of Emergency Regarding the Discharge of
Raw Sewage from Tijuana, Mexico

COUNCIL ACTION: (Tape location: F059-073.)

MOTION BY WEAR TO ADOPT. Second by Inzunza. Passed by the following vote:
Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea,
Inzunza-yea, Mayor Murphy-yea.

ITEM-201: South Bay International Wastewater Treatment Plant - Options for Secondary Treatment.

(See City Manager Report CMR-02-016. San Ysidro, Tijuana River Valley Community Areas. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-951) ADOPTED AS RESOLUTION R-295986

Endorsing the development of a privately funded Mexican facility for secondary treatment of effluent from the South Bay International Wastewater Treatment Plant as set forth in the Tijuana River Valley Estuary and Beach Sewage Cleanup Act of 2000.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C272-289; D013-045)

MOTION BY INZUNZA TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-nay, Stevens-yea, Maienschein-yea, Frye-nay, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-330: Regional Transportation Center.

Matter of approving, conditionally approving, modifying or denying a Mid-City Communities Development Permit, Site Development Permit, Conditional Use Permit, Parcel Map, and Alley Vacation to construct a 40,347 square-foot Regional Transportation Center that includes areas for classrooms, vehicle display, vehicle repair, and fueling pods in the CN-1, CL-1, CL-1-T and MR-100B zones of the City Heights Neighborhood of the Mid-City Community Planning area. (Companion Item to Redevelopment Agency).

(MCCDP/SDP/CUP/PM/Alley Vacation-40-0508. Mid-City Community Plan Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolution in subitem A to grant the permits; adopt the resolution in subitem B to grant the map and the Alley Vacation; and adopt the resolution in subitem C:

Subitem-A: (R-2002-) GRANTED PERMIT, ADOPTED AS RESOLUTION
R-295987

Adoption of a Resolution granting or denying Mid-City Communities Development Permit, Site Development Permit, and Conditional Use Permit No. 40-0508, with appropriate findings to support Council action.

Subitem-B: (R-2002-944) GRANTED MAP, ADOPTED AS RESOLUTION
R-295988

Adoption of a Resolution finding that certain map surveyed by Steven L. Woods, Licensed Land Surveyor, titled "PARCEL MAP NO. 40-0508 [MAP], being a consolidation of Portions of Lots 1 through 10, and Lots 39 through 48, within Block 27, or Resubdivision of Blocks "K" and "L" of Teralta, according to Map thereof No. 1037, filed in the Office of the County Recorder of San Diego County, March 8, 1907, together with a Portion of the unnamed alley, El Cajon Boulevard and 41st Street, as dedicated to public use, is made in the manner and form prescribed by law and conforms to the surrounding surveys; that the MAP and the consolidation of land shown thereon is approved and accepted; and the Council accepts on behalf of the public, the following: an unnamed alley, and the unnamed alley is declared to be an unnamed alley, with appurtenances thereto, and dedicated to the public use, as dedicated and shown on the MAP and subject to the conditions set forth on the MAP;

That the unnamed alley granted to the City of San Diego per Deed recorded May 16, 1996, as Document #1996-0249212, O.R. is not shown within this MAP because it is vacated pursuant to section 66445(j) of the California Subdivision Map Act;

That the irrevocable offer of dedication for road purposes granted to the City of San Diego per Deed recorded May 16, 1996, as Document #1996-0249212, O.R., is not shown within this MAP because it is vacated pursuant to section 66477.2 of the California Subdivision Map Act;

That the Council accepts on behalf of the City of San Diego, the easement with the right of ingress and egress for the construction and maintenance of water facilities, designed as “Water Easement Granted Hereon” as granted and shown on the MAP and subject to the conditions set forth on the MAP;

That the Council accepts on behalf of the City of San Diego, the easements for general utility and access purposes over, under, upon, and across Parcel 1, designed as “General Utility and Access Easement Granted Hereon” as granted and shown on the MAP and subject to the conditions set forth on the MAP;

That the Council accepts on behalf of the City of San Diego, the easement with the right of ingress and egress for the maintenance of general utility easement purposes, designed as “Access Easement Granted Hereon” as granted and shown on the MAP and subject to the conditions set forth on the MAP;

That the City Clerk is authorized and directed to endorse upon the MAP, as and for the act of the Council, that the Council has approved the MAP on behalf of the public as stated in this resolution;

That the City Clerk is directed to transmit the MAP to the County Recorder of the County of San Diego, California, for recordation.

Subitem-C: (R-2002-945) ADOPTED AS RESOLUTION R-295989

Adoption of a Resolution certifying that Finding of No Significant Impact [FONSI]/Mitigated Negative Declaration [MND] No. 40-0508, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), as well as the National Environmental Policy Act, that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the land use actions for the Regional Transportation Center;

That the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study

and therefore, that the Finding of No Significant Impact/Mitigated Negative Declaration is approved;

That pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment;

That the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

OTHER RECOMMENDATIONS:

Planning Commission will consider the project on January 17, 2002. Their recommendation will be reported during the public hearing.

The City Heights Planning Committee on August 8, 2000, voted 10-0-1 to recommend approval of this project.

SUPPORTING INFORMATION:

This project is for a Mid-City Communities Development Permit, Site Development, and Conditional Use Permits; Parcel Map; and Alley Vacation to construct the Regional Transportation Center (RTC) on the south side of El Cajon Boulevard, between the Interstate 15 (I-15) off-ramp and 41st Street. The Redevelopment Agency (Agency) and the City Council approved the concept of the RTC on May 16, 2000. The action also approved a Disposition Development Agreement (DDA) and related monetary transactions.

An Agency action to amend the DDA regarding the ownership of the project site and related monetary transactions accompanies this item. Details of these actions are described in an accompanying City Manager's Report. Site development requires the vacation of the alley that bisects the project site between I-15 and 41st Street. Alley traffic would be rerouted through the project and accessed by way of 41st Street. Most of the original buildings on-site have been demolished. Two buildings remain. One is abandoned, and the other is presently a mattress store.

The RTC will include two buildings totaling 40,347 square-feet and a fueling station for alternative fuel vehicles. Its operation will combine non-profit educational and for-profit commercial components. The DDA requires alternative fuel uses and educational center continue to operate on the site for at least ten years, and requires the developer to provide job opportunities to local residents and to accommodate and assist the vocational education programs. The current proposal represents a 38% increase in floor area from the conceptually approved 24,864 square-feet. The size increase requires the amendment, redistribution, and recertification of the previously certified environmental document.

The RTC is consistent with the Mid-City Communities Planned District Ordinance (MCPDO). The RTC would bring to City Heights a unique combination of commercial and educational services not found anywhere in California. It would support a major employer in City Heights (Pearson Ford), and generate additional employment in the area. Its operation is oriented and focused toward El Cajon Boulevard, and away from adjacent multifamily residences to the south and east. The design, materials and placement of the buildings are such so that their impacts to adjacent residences are minimal. As such, the project is consistent with the purpose and intent of the MCPDO to “provide full range of consumer goods and services and which are of a scale and design that is compatible with surrounding and planned development.”

FISCAL IMPACT:

All processing costs for this project are recovered from a deposit account funded by the applicant. The project is funded by various federal grants and loans, and private grants and investment.

Ewell/Christiansen/JB

LEGAL DESCRIPTION:

The project site is located on the southwest corner of El Cajon Boulevard and 41st Street, north of the terminus of Central Avenue and east of the Interstate 15 Freeway/El Cajon Boulevard northbound off-ramp, in the City Heights Community of the Mid-City Communities Planning Area. The subject property is located within the Mid-City Communities Planned District and is zoned CN-1 (commercial node), CL-1 (commercial linear), CL-1T (commercial linear residential transition) and MR-100B Zone (multiple-family residential, maximum density of 43 dwelling units per acre [du/ac] [up to 54 du/ac on lots 10,000 square feet in size or larger]). The subject property is more particularly described as Lots 39-48, Block 27, Teralta Resubdivision of Blocks K and L, Map No. 1037; Portion of I-15 Freeway right-of-way; and portion of an alley to be vacated.

NOTE: See the Redevelopment Agency agenda of January 22, 2002 for companion item.

FILE LOCATION: SUBITEMS A, B, & C: PERM-40-0508 (65)

COUNCIL ACTION: (Tape location: F076-333.)

Hearing began at 3:57 p.m. and halted at 4:09 p.m.

Testimony in favor by Mike Lewis.

MOTION BY ATKINS TO GRANT THE PERMIT, GRANT THE MAP, AND ADOPT THE RESOLUTIONS. Second by Inzunza. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-331 Four actions related to Street "A" - Rancho Santa Fe Farms Road.

(See City Manager Report CMR-02-017. NCFUA Subarea III Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-958) ADOPTED AS RESOLUTION R-295978

Authorizing the City Manager to execute a Subdivision Off-Site Right-of-Way Acquisition Agreement with Barratt American, Inc.

Subitem-B: (R-2002-917) ADOPTED AS RESOLUTION R-295979

Determining and declaring that the public interest and necessity require the acquisition of certain property for the Street A (Rancho del Sol Way) project and directing the filing of eminent domain proceedings to condemn, acquire, and obtain prejudgement possession of the property for the use of the City.

Subitem-C: (R-2002-949) ADOPTED AS RESOLUTION R-295980

Amending the Fiscal Year 2002 Capital Improvement Budget by adding CIP-52-326.0;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$78,000 from Developer's Trust Fund, Fund No. 63021, to CIP Fund No. 63022, Private and Other Contributions;

Authorizing the appropriation and expenditure of an amount not to exceed \$78,000 from Fund 63022, Private and Other Contributions, for CIP-52-326.0, for the acquisition of required property rights and costs related to condemnation of a fee simple interest in connection with the Street A (Rancho del Sol Way) Project, contingent upon the City of San Diego Auditor and Comptroller first furnishing a certificate demonstrating that funds are available with the City Treasury.

Subitem-D: (R-2002-918) ADOPTED AS RESOLUTION R-295981

Declaring that the City Council, as Lead Agency, has reviewed and considered the Street A (Rancho del Sol Way) Project, the MEIR LDR-96-7918 and the Findings, pursuant to the provisions of CEQA. The Street A (Rancho del Sol Way) Project, and the authorization of condemnation of a portion of this public street as identified in the plans for the Development, are components of the Development and within the scope of the MEIR and the Findings. The Council finds that the Street A (Rancho del Sol Way) Project will not have an additional significant effect on the environment. The Council finds that no new alternatives or mitigation measures are required for the Street A (Rancho del Sol Way) Project other than those identified for the Development by the Findings. The Council further finds that substantial changes have not been proposed for the Street A (Rancho del Sol Way) Project, that substantial changes have not occurred with respect to the circumstances under which the Street A (Rancho del Sol Way) Project is being undertaken and no new information of substantial importance to that project has become available since the adoption of the Findings;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego.

Aud. Cert. 2200716.

FILE LOCATION: SUBITEMS A, B, C, & D: MEET

COUNCIL ACTION: (Tape location: C124-262.)

Hearing began at 11:50 a.m. and halted at 12:01 p.m.

Testimony in opposition by Lou Goebel.

Testimony in favor by Steven Wall.

MOTION BY PETERS TO ADOPT. Second by Wear. Passed by the following vote:
Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea,
Inzunza-yea, Mayor Murphy-yea.

ITEM-332: Rescinding of Resolution No. R-294263.

(See Southeastern Economic Development Corporation Report No. SEDC-02-001. District-4.)

**SOUTHEASTERN ECONOMIC DEVELOPMENT CORPORATION'S
RECOMMENDATION:**

Adopt the following resolution:

(R-2002-926 Cor. Copy) ADOPTED AS RESOLUTION R-295990

Rescinding Resolution No. R-294263 adopted on November 21, 2000 which authorized acceptance of repayment of \$27,445 for the purpose of funding the First Amendment to the Agreement with The Environmental Trust to provide wetlands creation, monitoring, maintenance and long-term endowment services for the Imperial Marketplace and Valencia Business Park projects.

NOTE: See the Redevelopment Agency Agenda of January 22, 2002 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F416-417.)

MOTION BY MAIENSCHIN TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-333: Four actions related to the Regional Transportation Center Project.

(See Redevelopment Agency Report RA-02-05. City Heights Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-939) ADOPTED AS RESOLUTION R-295991

Authorizing the City Manager or Designee to convey real property located on El Cajon Boulevard to the Redevelopment Agency for the Regional Transportation Center Project in the City Heights Redevelopment Project Area.

Subitem-B: (R-2002-938) ADOPTED AS RESOLUTION R-295992

Approving the sale of certain property in the City Heights Redevelopment Project Area to RTC-1, LLC;

Approving Amendment No. 1 to the Disposition and Development Agreement; and making certain findings with respect to such sale.

Subitem-C: (R-2002-940) ADOPTED AS RESOLUTION R-295993

Amending the City Budget to accept a \$100,000 transfer from the Redevelopment Agency as partial payment for the purchase of real property for the Regional Transportation Center Project; accepting \$10,000 from an increased Federal

Economic Development Initiative Grant for the Regional Transportation Center Project and accepting from RTC-1, LLC payments of \$20,000 per year for ten years for right-of-way facilities maintenance.

Subitem-D: (R-2002-961) ADOPTED AS RESOLUTION R-295994

Certifying that the City Council has reviewed and considered the information contained in the Final Environmental Impact Report for the City Heights Redevelopment Project, and the amended Environmental Assessment and Finding of No Significant Impact/Mitigated Negative Declaration with respect to the Disposition and Development Agreement as amended for the Regional Transportation Center Project; and making certain findings.

Aud. Cert. 2200718.

NOTE: See Item 330 on today's docket and the Redevelopment Agency Agenda of January 22, 2002 for companion items.

FILE LOCATION: SUBITEM A: DEED F-9143
SUBITEMS B, C & D: MEET

COUNCIL ACTION: (Tape location: F076-333.)

MOTION BY ATKINS TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-350: Notice of Completion and Acceptance of Subdivision Improvement Agreement.

Notice is hereby given that the City Manager of the City of San Diego intends to file a "Notice of Completion and Acceptance of Subdivision Improvement Agreement" indicating that the improvements included in the Subdivision Improvement Agreement have been satisfactorily completed for the following subdivisions:

SUBDIVISION
235 On Market

AREA
Centre City Community

The certification shall be recorded 15 days after the date this notice appears on the Council Docket or shortly thereafter. If any person wishes to object to the filing of this notice, such person should communicate the objection on or before that date to the Director or Planning and Development Review or to the Subdivision Engineer, City Operations Building, 1222 First Avenue (MS 507), San Diego, CA 92101.

ITEM-S400: Walt Hall Day.

(La Jolla Community Area. District-1.)

COUNCILMEMBER PETERS' RECOMMENDATION:

Adopt the following resolution:

(R-2002-896) ADOPTED AS RESOLUTION R-295982

Proclaiming January 19, 2002 to be "Walt Hall Day" in the City of San Diego, in recognition of Walt Hall's commitment to his community and his important role in improving the lives of all San Diegans.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A108-177.)

MOTION BY PETERS TO ADOPT. Second by Stevens. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-S401: Appointments to the La Jolla Shores Planned District Advisory Board.

(See memorandums from Mayor Murphy dated January 11, 2002 and from Councilmember Peters dated January 8, 2002.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-963) ADOPTED AS RESOLUTION R-295983

Council confirmation of the following appointments by the Mayor to serve as members of the La Jolla Shores Planned District Advisory Board, for terms ending April 1, 2002:

NAME

Gail Forbes (Replacing Linda Moreland, who has resigned)

Marvin Cohen (Replacing Richard Friedland, who has resigned)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B152-198.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S402: Union Square Parcel Map I.D. No. 99-948 and Unnamed Alley Vacation.

(Centre City Community Area. District-2.)

(Continued from the meeting of January 15, 2002, Item 332, at Councilmember Madaffer's request, in order to correct backup material regarding traffic, correct the name of the Project, and correct any other information which may be inaccurate.)

NOTE: Hearing open. No testimony taken on 1/15/2002.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-782 Cor. Copy) **RETURNED TO THE CITY MANAGER**

Approving and accepting Union Square Parcel Map I.D. No. 99-948, being a consolidation of Olmstead's Subdivision according to map thereof No. 709; Lots 4, 5, and a portion of Lot 3 in Block 16 of Gardner's Addition according to map thereof No. 68; portions of Lots I, J, K, and L in Block 179 of Horton's Addition made by L. L. Lockling according to map thereof No. 369; together with those portions of 14th Street, 15th Street, C Street, Broadway, and the unnamed alley as dedicated to public use all in the City of San Diego, County of San Diego, State of California is made in the manner and form prescribed by law and conforms to the surrounding surveys;

Vacating the unnamed alley granted to the City of San Diego per map No. 68, recorded September 2, 1870, pursuant to section 66445 (j) of the State Subdivision Map Act.

CITY MANAGER SUPPORTING INFORMATION:

This parcel map is part of a redevelopment project being coordinated by the Centre City Development Corporation. This parcel map consolidates six existing lots of a 2.575 acre site into 1 parcel for future residential development. The project is located between C St. and Broadway, 14th Street and 15th Street in the Centre City Community Plan area. The parcel map requires City Council approval because a portion of an unnamed alley is being vacated using the map. The unnamed alley was granted at no cost to the City of San Diego on Map No. 68, recorded September 2, 1870. The portion of the alley being vacated is no longer needed for access or public utilities. There are no new public improvements required in connection with the approval of this map. Staff has determined that the project is consistent with all previously approved permits. This parcel map creates one new parcel in preparation for future development of the site. There are no park fees required in connection with this parcel map and the Council's approval of it will not generate an increase in the average daily trips within the neighborhood. Traffic issues will be considered during the design of the future project.

FISCAL IMPACT:

None.

Loveland/Haase/GRB

NOTE: This activity is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15268(b)(3).

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B152-198.)

CONSENT MOTION BY WEAR TO RETURN THIS ITEM TO THE CITY
MANAGER AT THE REQUEST OF CCDC TO BRING THIS ITEM BACK IN A
FASHION THAT MORE COMPLETELY DISCUSSES THE OVERALL PROJECT AS
REQUESTED BY COUNCIL. Second by Atkins. Passed by the following vote:
Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea,
Inzunza-yea, Mayor Murphy-yea.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 4:35 p.m. in honor of the memory of:

Libby Witmond as requested by Council Member Maienschein;
two Marines killed in Afganistan as requested by Council Member Stevens; and
Charles Abdelnour's trees as requested by Council Member Madaffer.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: G085-127).